

Committee Room,
Austin, Texas, March 2, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 339, A bill to be entitled "An Act making all fees of office, other than those provided in Title 58 of the Revised Civil Statutes of 1911, known as the 'Fee Bill,' ex-officio fees of office, and provided said ex-officio fees shall be in addition to the maximum salary for office holders now provided in said title, and repealing all laws in conflict herewith, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, March 2, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 285, A bill to be entitled "An Act to amend Article 610, Revised Statutes, as amended by Chapter 47, Acts of the Regular Session of the Thirty-seventh Legislature, prescribing purposes for which counties may issue bonds; amending Articles 611, 612, 617 and 621, Chapter 1, Title 18, Revised Statutes 1911, relating to the issuance of county and city bonds; adding to Chapter 1, Title 18, Revised Statutes, designated as Articles 610a, 610b, 610c, 610d, 610e, authorizing counties, towns, cities, school districts and improvement districts to refund bonds now or hereafter outstanding; providing that nothing in this Act shall be construed as invalidating any bond elections previously ordered or held or any bonds issued and sold by any county, city, town or district; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, March 2, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 539, A bill to be entitled

"An Act to increase the civil jurisdiction of the County Court of Hockley County and unorganized county of Cochran, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, March 2, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 416, A bill to be entitled "An Act prohibiting the Board of Prison Commissioners from making any payment, settlement, trade or transaction whatsoever with respect to three certain notes heretofore executed by the Board of Prison Commissioners in the sum of \$31,250.00 each, dated December 11, 1920, payable to the Fort Bend Cotton Oil Company or order, and claimed to have been executed by the Board of Prison Commissioners in part payment for certain cottonseed oil mill properties situated in Richmond, Fort Bend County, Texas, claimed to have been purchased by the Board of Prison Commissioners from the Fort Bend Cotton Oil Company, and one certain other note in the sum of \$39,000.00 payable to Bassett Blakely or order and executed by the Board of Prison Commissioners in part payment for certain mules and horses purchased from Bassett Blakely by the Board of Prison Commissioners in January, 1921; and creating an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

BAILEY, Chairman.

THIRTY-NINTH DAY

Senate Chamber,
Austin, Texas,
Monday, March 5, 1923.
The Senate met at 10 o'clock, a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Holbrook.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Dudley.	Witt.
Floyd.	Wood.

Absent.

Fairchild.	Rice.
Lewis.	Ridgeway.
McMillin.	

Absent—Excused.

Rogers.	Woods.
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Prayer by Rev. H. C. Harrison of Austin.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports and petitions).

Bills and Resolutions.

By Senator Parr:

S. B. No. 421, A bill to be entitled "An Act to provide additional compensation to official shorthand reporters of Texas in judicial districts composed of two or more counties, by allowing compensation for actual and necessary expenses when engaged in the discharge of their official duties in counties other than the county of their residence; providing for payment of such expenses by the several counties of the judicial districts upon sworn itemized accounts of such shorthand reporters; providing for recording such accounts in the minutes of the district courts of the county in which such officer resides, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senators Stuart, Wirtz, Witt, Darwin, Davis, Parr, Pollard, Holbrook, Floyd and McMillin:

S. B. No. 422, A bill to be entitled "An Act to authorize St. Louis, San Francisco and Texas Railway Company to purchase, own and operate as a part of its line the railroad of International-Great Northern Railroad Company, the railroad of Fort

Worth and Rio Grande Railway Company, the railroad of Paris and Great Northern Railroad Company, the railroad of The Brownwood North and South Railway Company, the railroad of Quanah, Acme and Pacific Railway Company, or any one or more of said railroads, together with the franchises, properties, rights and privileges of said companies or any of them, and authorizing the said companies and each or any of them to sell and convey all of its or their said railroads, constructed or to be constructed, and all other properties, rights, franchises and privileges to said St. Louis, San Francisco and Texas Railway Company, and authorizing said St. Louis, San Francisco and Texas Railway Company, in connection with the purchase of said properties, or any of them, to assume the payment in whole or in part of any or all bonds secured by mortgage or mortgages upon the properties so purchased, and/or to issue its stock and/or bonds in respect of the properties so purchased, and authorizing said St. Louis, San Francisco and Texas Railway Company to construct, own and operate as a part or parts of its line the unfinished portion or portions of said railroads, or any of them, between the termini as defined in their respective charters, and to construct, own and operate as a part or parts of its line all extensions and branches of said railroads, or any of them, under or as authorized in and by the charter of said St. Louis, San Francisco and Texas Railway Company, or any amendment thereof, made or to be made in pursuance of the General Laws of the State of Texas, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Pollard:

S. B. No. 423, A bill to be entitled "An Act amending Chapter 19, Local and Special Laws of the First Called Session of the Thirty-seventh Legislature of the State of Texas, creating the Canton Independent School district in Van Zandt County, Texas; defining its boundaries, providing for an extension thereof, including the present Canton Independent School District; providing for a board of trustees in said district conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred

and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing that the outstanding bonded indebtedness of each school district included within the bounds of said district shall remain chargeable against the territory which voted the same; providing that the district as herein created may assume such outstanding bonded indebtedness; providing for the repeal of all laws in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Stuart:

S. B. No. 424, A bill to be entitled "An Act to create the County Court of Tarrant County for Civil Cases No. 2, and prescribing the jurisdiction thereof, giving said court concurrent jurisdiction with the County Court of Tarrant County for Civil Cases in all matters and causes over which the Court of Tarrant County for Civil Cases has jurisdiction, fixing the salary of the judge of the County Court of Tarrant County for Civil Cases No. 2; providing for the appointment and election of the judge of said court hereby created and providing for the transfer of causes from the dockets of the County Court of Tarrant County for Civil Cases to the dockets of the court hereby created, by the county clerk of Tarrant County, and providing for the transfer of causes from the dockets of the court hereby created to the dockets of the County Court of Tarrant County for Civil Cases by the judge of the court hereby created, at his discretion, and providing for the appointment of an official shorthand reporter who shall be an officer of the court hereby created, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Cousins:

S. B. No. 425, A bill to be entitled "An Act creating and establishing out of territory now embraced in the counties of Montgomery, Liberty and Harris, in the State of Texas, a new county to be known as Cleveland County, containing a superficial area of not less than seven hundred square miles; appointing commissioners necessary for the organiza-

tion of said new county; providing for the division of the said counties into commissioners and justice precincts; providing for the name of each of same; providing for the holding of county and special elections for the election of county and precinct officers, and for the designation of the county seat of the new county of Cleveland; providing for the attaching of said county of Cleveland to judicial, representative, senatorial, congressional and supreme judicial districts; providing for the assessment and collection of taxes for the defraying of expenses of organization and for the payment of the proportion of liabilities of the counties of Montgomery, Liberty and Harris, as now constituted, chargeable respectively on the territory taken from them; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on County and County Boundaries.

By Senator Burkett:

S. B. No. 426, A bill to be entitled "An Act to amend Sections 1 and 5 of Chapter 6 of the Special Laws enacted by the 30th Legislature, same being an Act creating the Baird Independent School District in Callahan County, Texas, as amended by Chapter 25 of the 31st Legislature; redefining the boundaries of said district; validating all tax levies now in force; repealing all laws in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Senate Concurrent Resolution No. 22.

By Senators Pollard and Burkett: Senate Concurrent Resolution No. 22.

Whereas, Texas is not in the Birth Registration Area, which means that we fall below 90% registration of all births in the State; and,

Whereas, We have an adequate law which is not enforced due to lack of information; and,

Whereas, Vital Statistics are the basis of all constructive plans for public welfare:

1. To facilitate law enforcement and just administration by means of authentic data as to births and deaths, in legal matters pertaining to the

establishment of identity, nationality, age and heritage.

2. To locate and indicate dangerous communicable diseases.

3. To substantiate the statement often questioned, "That Texas is a healthful State," and prove out claims through actual statistics.

4. To enforce the laws and protect the health of the babies of Texas.

5. To enable the government to keep accurate health books.

6. To have authentic index into the health of the nation.

7. To determine the growth of population through its native born.

8. To determine infant mortality and the ratio between births and deaths.

9. To determine the diseases menacing human life in different sections of the country.

10. To establish constructive health policies based on facts, not hearsay.

11. To remove from our country the stigma of being one of the most backward of the civilized countries of the world, in the protection of the life and property of its citizens, through lack of knowledge; therefore, be it

Resolved, That the Senate, the House concurring, endorses the plan of the Texas Federation of Women's Clubs, Texas Congress of Mothers and Parent-Teachers Association, Women's Christian Temperance Union, League of Women Voters, Business and Professional Women's League, assisted by the State Board of Health, Extension Bureau, University of Texas Extension Service, Agricultural and Mechanical College, to set aside March 13th to 31st as birth registration time.

The resolution was read.

Senator Bailey moved that the resolution be referred to the Committee on State Affairs.

On motion of Senator Pollard, the motion to refer was tabled.

The resolution was then adopted.

H. B. Nos. 270 and 340—Motion to Refer.

Senator Parr moved to re-refer H. B. Nos. 270 and 340 from the Committee on Criminal Jurisprudence to the Committee on Common Carriers.

Senator Bowers moved that H. B. No. 270 be referred back to the Committee on Criminal Jurisprudence, and the motion prevailed.

On motion of Senator Parr, H. B. No. 340 was then referred back to the Committee on Criminal Jurisprudence.

(Senator Dudley in the Chair.)

S. B. No. 155 on Second Reading.

The Chair laid before the Senate as special order, on its second reading and passage to engrossment:

S. B. No. 155, A bill to be entitled "An Act to amend Sections 2 and 3 of Chapter 190 of the Acts of 1917 and adding Section 3a, increasing the term of office for the members of the Board of Highway Commission from two to six years so that one term of office will expire each two years, and providing compensation of \$2,500 per year for members of said commission."

The bill was read second time.

Senator Burkett offered the following amendment to the bill:

Amend Senate Bill 155 by adding thereto Section 4, being the emergency clause, which is as follows:

Sec. 4. The fact that the present law provides an inadequate compensation and that the present term of office is so short as to seriously impede the construction of state highways under the State aid, and the fact that the State aid must be taken care of in accordance with the law made and provided creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect and be in force from and after its passage.

The amendment was adopted.

Senate Bill No. 155 was then passed to engrossment.

S. B. No. 155 on Third Reading.

On motion of Senator Burkett, the constitutional rule requiring bills to be read on three several days in each house was suspended, and Senate Bill No. 155 was put upon its third reading and final passage by the following vote:

Yeas—19.

Bowers.	Cousins.
Burkett.	Darwin.
Clark.	Davis.

Dudley.
Fairchild.
Floyd.
Murphy.
Parr.
Pollard.
Ridgeway.

Strong.
Stuart.
Turner.
Watts.
Witt.
Wood.

Nays—6.

Bailey.
Baugh.
Bledsoe.

Doyle.
Holbrook.
Wirtz.

Absent.

Lewis.
McMillin.

Rice.
Thomas.

Absent—Excused.

Rogers.

Woods.

The Chair then laid Senate Bill No. 155 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—22.

Bailey.
Baugh.
Bowers.
Burkett.
Clark.
Cousins.
Darwin.
Doyle.
Dudley.
Fairchild.
Holbrook.

Murphy.
Parr.
Pollard.
Ridgeway.
Strong.
Stuart.
Thomas.
Watts.
Wirtz.
Witt.
Wood.

Nays—2.

Bledsoe.

Turner.

Absent.

Davis.
Floyd.
Lewis.

McMillin.
Rice.

Absent—Excused.

Rogers.

Woods.

S. B. No. 18 on Engrossment.

The Chair laid before the Senate as pending business, on its passage to engrossment, Senate Bill No. 18, relating to punishment for burglary, with committee report carrying amendment pending.

The committee report was adopted.

Question then recurred on the passage of the bill to engrossment.

Yeas and nays were demanded

and the bill failed on passage to engrossment by the following vote:

Yeas—6.

Burkett.
Doyle.
Fairchild.

Murphy.
Parr.
Wirtz.

Nays—19.

Bailey.
Baugh.
Bledsoe.
Bowers.
Clark.
Cousins.
Strong.
Stuart.
Thomas.
Turner.

Darwin.
Davis.
Dudley.
Floyd.
Holbrook.
Pollard.
Watts.
Witt.
Wood.

Absent.

Lewis.
McMillin.

Rice.
Ridgeway.

Absent—Excused.

Rogers.

Woods.

H. B. No. 339.—Re-Committeed.

On motion of Senator Murphy, House Bill No. 339 was re-committed to the Committee on Civil Jurisprudence.

S. B. No. 88 on Third Reading.

The Chair laid before the Senate as special order, on its third reading and final passage.

S. B. No. 88, A bill to be entitled "An Act to prohibit hiring, employing or commissioning by any State or county officer, or State Adjutant General any person who is in the employ of any person, firm, or corporation whose salary or any portion thereof, is paid by such person, firm or corporation, when such person, firm or corporation is interested in any dispute or disagreement with his, her, its or their employees."

The bill was read third time and on motion of Senator Burkett, was laid on the table subject to call.

S. B. No. 121 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 121, A bill to be entitled

"An Act to amend Article 3107 of the Revised Civil Statutes of Texas of 1911, which relates to the county executive committees, county and precinct chairmen elected at primaries, such committees now composed of one member from each voting or justice precinct in such county, as the party executive committee may direct, the members of which, as well as the county chairman and a precinct chairman for each voting or justice precinct, as the case may be, are elected by the qualified voters of the county on primary election day by providing, that the county executive committee shall be composed of one member from each justice precinct in the county, and a county chairman elected from the county; and providing that the members of the said committee shall be elected at the precinct conventions held on the primary election day, providing for the election of a county chairman at the county convention held as provided for in Article 3134, Revised Civil Statutes and providing the time for said executive committee to begin their term of office; and to repeal Article 3108 of the Revised Civil Statutes of Texas of 1911, relating to a county chairman of the executive committee, his election, member of the district executive committees, his term of office, etc., by providing that he shall be elected at the county convention of his party which is held as provided for in Article 334 of the Revised Statutes of the State of Texas, of 1911, and providing for him to assume the duties of his office."

The bill was read third time and passed.

S. B. No. 132 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 132, A bill to be entitled "An Act to amend Article 1460, Chapter 2, Title 29, of the Revised Civil Statutes of 1911 as amended by Chapter 131, General Laws, passed at the Regular Session of the Thirty-fourth Legislature, and as further amended by Chapter 134, General Laws, passed at the Regular Session of the Thirty-fifth Legislature, relating to the appointment and compensation of county auditors in counties containing a population of forty

thousand or over, or having a taxable valuation of fifteen million dollars, or over, and declaring an emergency."

The bill was read third time, and, on motion of Senator Murphy, was laid on the table subject to call.

Addition to Standing Committee.

I move that Senator Pollard be added to the Committee on State Affairs.

DARWIN.

The motion was granted.

H. B. No. 666 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 666, A bill to be entitled "An Act to amend Chapter 18, Special Laws, Thirty-seventh Legislature, First Called Session, incorporating the Fruitvale Independent School District in Van Zandt county, Texas; providing for the maintenance of elementary schools in said district, and declaring an emergency."

The bill was read third time and passed by the following vote.

Yeas—26.

Bailey.	Holbrook.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Ridgeway.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Dudley.	Wirtz.
Fairchild.	Witt.
Floyd.	Wood.

Absent.

Lewis.	Rice.
McMillin.	

Absent—Excused.

Rogers.	Woods.
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S. B. No. 176 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading

S. B. No. 176, A bill to be entitled "An Act changing the name of the

State Normal Colleges of this State, and declaring an emergency."

The bill was read third time and on motion of Senator Wood, was laid on the table subject to call.

H. B. No. 576 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

H. B. No. 576, A bill to be entitled "An Act amending Chapter 52 of the Special and Local Laws passed by the Thirty-seventh Legislature at its First Called Session by adding thereto Section 3a, providing for the assumption and refunding by the Cooper Independent School District of all or any part of the indebtedness, bonded or otherwise, of the city of Cooper, Texas, created for school purposes, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—26.

Bailey.	Holbrook.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Ridgeway.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Dudley.	Wirtz.
Fairchild.	Witt.
Floyd.	Wood.

Absent.

Lewis.	Rice.
McMillin.	

Absent—Excused.

Rogers.	Woods.
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H. B. No. 294—House Request Granted.

I ask unanimous consent that the Senate concur in and grant the request of the House to have House Enrolling Clerk strike out Section 5 of H. B. No. 294.

JOHN DAVIS.

There was no objection and it was so ordered.

S. J. R. No. 5 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

S. J. R. No. 5, A joint resolution to be entitled

"A Joint Resolution relating to the amending of the Constitution of the State of Texas, abolishing the office of County Treasurer, and devolving the duties of said office upon the County Depository."

The bill was read third time and passed by the following vote:

Yeas—25.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Dudley.	Witt.
Fairchild.	Wood.
Holbrook.	

Absent.

Floyd.	McMillin.
Lewis.	Rice.

Absent—Excused.

Rogers.	Woods.
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S. B. No. 189 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

S. B. No. 189, A bill to be entitled "An Act to amend Article 2894, R. S. 1911, reducing the scholastic age to six years and removing the maximum limit of free school age."

The bill was read third time.

Senator Cousins offered the following amendment to the bill:

Amend S. B. No. 189, page 1, line 19, by striking out the word six and inserting the word seven.

Question: Shall the amendment be adopted?

Recess.

On motion of Senator Clark, the Senate at 12:05 p. m. recessed until 3 p. m. today.

Afternoon Session.

The Senate met at 3 p. m. and was called to order by Lieutenant Governor Davidson.

H. B. No. 449—Re-Referred.

On motion of Senator Wood, H. B. No. 449 was referred to the Committee on Educational Affairs.

S. B. No. 422—Motion to Re-Refer.

Senator Fairchild moved that S. B. No. 442 be re-referred to the Committee on Internal Improvements.

Yeas and nays were demanded, and the motion to re-refer was lost by the following vote:

Yeas—9.

Bledsoe.	Fairchild.
Bowers.	Murphy.
Clark.	Strong.
Davis.	Turner.
Doyle.	

Nays—15.

Bailey.	Pollard.
Baugh.	Ridgeway.
Burkett.	Stuart.
Darwin.	Watts.
Dudley.	Witt.
Floyd.	Witt.
Holbrook.	Wood.
Parr.	

Absent.

Cousins.	Thomas.
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Absent—Excused.

Lewis.	Rogers.
McMillin.	Woods.
Rice.	

(Senator Dudley in the Chair.)

H. C. R. No. 25.

Senator Clark called up from the Committee on Rules, H. C. R. No. 25:

Resolved, By the House of Representatives, the Senate concurring, that the Regular Session of the Thirty-eighth Legislature adjourn sine die March 9, 1923, at 12 o'clock noon.

The Chair laid the resolution before the Senate.

Senator Clark offered the following amendment to the resolution:

Amend H. C. R. No. 25 as amended

by striking out the 10th at 10 p. m. and inserting in lieu thereof the 14th at 12 o'clock noon.

The amendment was adopted.

The resolution as amended was adopted.

H. C. R. No. 28.

The Chair laid before the Senate, H. C. R. No. 28:

Whereas, The Thirty-eighth Legislature has recently passed House Bill No. 131 by Westbrook and the same having been approved by the Governor, authorizing the Board of Regents of the University of Texas to impound the revenues accruing under what is known as the University Available Fund for a period of not to exceed fifteen years for the purpose of erecting permanent buildings for the University of Texas and its branches; and,

Whereas, The negotiation of the loan authorized thereby is of great importance to the Legislature and the people of Texas. Now, therefore, be it

Resolved, By the House of Representatives, the Senate concurring, that a joint committee of five, three from the House of Representatives and two from the Senate, be appointed by the Speaker of the House and the President of the Senate to confer and advise with the Board of Regents of the University with reference to the terms and conditions of the said loan and to report back to the Thirty-eighth Legislature the result of such conference, together with such recommendations as may be deemed advisable.

The resolution was read and adopted.

Bills Ordered Printed in Journal.

Senator Turner moved that House Bill No. 270 be printed in the Journal.

The motion carried.

Senator Burkett moved that S. B. No. 311 be printed in the Journal.

The motion carried.

On motion of Senator Witt, the Committee report on S. B. No. 256, recommending that it be printed in the Journal, and that 250 extra copies of said Journal be printed, was adopted.

S. B. No. 422—Motion to Recommit.

Senator Fairchild moved that S. B. No. 422 be re-committed to the Committee on State Affairs.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—10.

Bledsoe.	Doyle.
Bowers.	Fairchild.
Clark.	Murphy.
Cousins.	Parr.
Davis.	Strong.

Nays—13.

Haugh.	Ridgeway.
Burkett.	Stuart.
Darwin.	Turner.
Dudley.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Pollard.	

Present—Not Voting.

Witt.	Bailey.
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Absent.

Thomas.

Absent—Excused.

Lewis.	Rogers.
McMillin.	Woods.
Rice.	

Caucus Report.

The Chair laid the following caucus report before the Senate:

Senate Chamber,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: Upon the call of Senator Clark, Chairman of the Senate Caucus, a caucus was held in the Secretary's office of the Senate, attended by all Senators except Senators McMillin, Rice, Rogers, Woods and Lewis, who were absent, and by a majority vote of those present, the following recommendations were made:

The short time remaining before the adjournment of the present session of the Legislature, and the crowded condition of the calendar, make it necessary that some action looking to the dispatch of business should be had. Therefore, be it Resolved, By the Caucus of the Senate of the State of Texas, that we recommend the following:

That the House Concurrent Resolution providing for the adjournment of the Senate be so amended as to provide for final adjournment of the Regular Session of the Thirty-eighth Legislature on Wednesday, March 14th, at 12 o'clock noon.

That from now until the adjournment of this session there shall be three sessions of the Senate per day, the first to be from 9 a. m. until 12 m.; the second from 2 p. m. until 5 p. m.; and the third from 7:30 p. m. to 10 p. m.

That all special orders heretofore set be given consideration as provided for at the time of same being made special orders.

That during the sessions from 9 a. m. to 5 p. m. the revenue measures only shall be made special orders and shall be considered until finally disposed of.

That all local bills, general in character, but having local application shall be considered at the night sessions of the Senate, and that no other matters shall be considered at the night session except upon unanimous consent.

That no local bill or general measure, local in application, shall be considered at any other than the night session until the revenue measures are finally disposed of.

CLARK, Chairman.

WITT, Secretary.

On motion of Senator Witt, the report was adopted.

Executive Session Time Set.

Senator Clark moved that tomorrow afternoon at 3 o'clock be set as the time for holding an executive session to consider nominations by the Governor.

The motion prevailed.

S. B. No. 189 on Final Passage.

The Senate resumed consideration of pending business, the same being S. B. No. 189, relating to scholastic age, on its final passage, with amendment by Senator Cousins pending.

Senator Watts moved the previous question on the amendment and the final passage of the bill, and the main question was ordered.

Question first recurred on the amendment.

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—12.

Cousins.	Doyle.
Darwin.	Fairchild.
Davis.	Floyd.

Holbrook.
Ridgeway.
Strong.

Turner.
Watts.
Witt.

Nays—12.

Bailey.
Baugh.
Bledsoe.
Bowers.
Clark.
Dudley.

Parr.
Pollard.
Stuart.
Thomas.
Witt.
Wood.

Absent.

Burkett.

Murphy.

Absent—Excused.

Lewis.
McMillin.
Rice.

Rogers.
Woods.

Question then recurred on the final passage of the bill.

Yeas and nays were demanded, and the bill failed to pass by the following vote:

Yeas—12.

Bledsoe.
Bowers.
Clark.
Darwin.
Floyd.
Murphy.

Parr.
Pollard.
Stuart.
Wirtz.
Witt.
Wood.

Nays—12.

Bailey.
Baugh.
Cousins.
Davis.
Doyle.
Dudley.

Fairchild.
Holbrook.
Strong.
Thomas.
Turner.
Watts.

Absent.

Burkett.

Ridgeway.

Absent—Excused.

Lewis.
McMillin.
Rice.

Rogers.
Woods.

S. B. No. 132 on Final Passage.

Senator Murphy called up S. B. No. 132, relating to county auditors, which was read the third time this morning and laid on the table subject to call.

The Chair laid the bill before the Senate.

Senator Murphy offered the following amendment to the bill:

Amend Senate Bill No. 132 by striking out all of Article 1460 of the engrossed bill and insert in lieu thereof the following: "In any county of this state having a population of thirty-five thousand inhabitants, or over, according to the last United States census, or having a tax valuation of fifteen million dollars, or over, according to the last approved tax rolls, there shall be appointed an auditor of accounts and finances, the title of said officer to be county auditor, who shall hold his office for two years and until his successor is appointed and qualified, and who shall receive as compensation for his services as county auditor the sum of one hundred and fifty (\$150.00) dollars for each million dollars, or major portion thereof, of the assessed valuation, the annual salary to be computed from the last approved tax rolls, said annual salary from county funds shall not exceed thirty-six hundred (\$3600.00) dollars, to be paid monthly out of the general funds of the county upon an order of the commissioners' court.

Sec. 2. The fact that there is no law in this state authorizing an increase in the salary of the county auditors, and the fact that the county auditors are not now adequately compensated in comparison with the duties and responsibilities of their office, and the importance of this legislation, creates an emergency and an imperative public necessity and that the rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The roll was called and the amendment was adopted by the following vote:

Yeas—14.

Bailey.
Baugh.
Bledsoe.
Bowers.
Clark.
Dudley.
Floyd.

Murphy.
Parr.
Ridgeway.
Stuart.
Turner.
Watts.
Wood.

Nays—5.

Cousins.
Doyle.
Fairchild.

Holbrook.
Wirtz.

Present—Not Voting.

Strong.

Thomas.

Absent.

Burkett.

Pollard.

Darwin.

Witt.

Davis.

Absent—Excused.

Lewis.

Rogers.

McMillin.

Woods.

Rice.

S. B. No. 132 was then finally passed.

S. B. No. 176 on Final Passage.

Senator Wood called up S. B. No. 176 relating to changing names of state normal schools, which was read the third time this morning and laid on the table subject to call.

The Chair laid the bill before the Senate.

Senator Wood offered the following amendment to the bill:

Amend Senate Bill No. 176, by striking out all of Section 1 and insert in lieu thereof the following:

"Section 1. Hereafter the name of the Sam Houston Normal Institute shall be 'The Sam Houston State Teachers College, at Huntsville'; the North Texas State Normal College shall be 'The North Texas State Teachers College, at Denton'; the Southwest Texas State Normal School shall be 'The Southwest Texas State Teachers College, at San Marcos'; the West Texas State Normal College shall be 'The West Texas State Teachers College, at Canyon'; the South Texas State Normal College shall be 'The South Texas State Teachers College, at Kingsville'; the Stephen F. Austin State Normal College shall be 'The Stephen F. Austin State Teachers College, at Nacogdoches'; the East Texas Normal College shall be 'The East Texas State Teachers College, at Commerce'; the Sul Ross Normal College shall be 'The Sul Ross State Teachers College, at Alpine.' All laws heretofore or hereafter enacted applicable to these schools under their old names shall be likewise applicable to such schools under their new names."

The amendment was adopted by unanimous consent.

S. B. No. 176 was then finally passed.

S. B. No. 175 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 175, A bill to be entitled "An Act repealing that part of Section 2 of the Act contained in Chapter 99, of the legally published General Laws of the State of Texas, passed at the Regular Session of the Thirty-seventh Legislature, relating to exceptions to and exempting from the Anti-pass Law, which is in the language, 'provided, that if any such railroad or transportation company shall grant to any sheriff a free pass over its lines of railroads, then it shall issue like free transportation to each and every sheriff in this State who may make to it written application therefor,' and declaring an emergency."

The bill was read third time and passed.

S. B. No. 400 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 400, A bill to be entitled "An Act making an emergency appropriation for the State penitentiary system; providing that no part of same shall be used in or available for the payment of certain alleged notes alleged to have been executed by the Board of Prison Commissioners; and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—17.

Baugh.	Holbrook.
Bledsoe.	Parr.
Clark.	Ridgeway.
Cousins.	Stuart.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Witt.
Fairchild.	Wood.
Floyd.	

Nays—7.

Bailey.	Strong.
Bowers.	Thomas.
Burkett.	Wirtz.
Dudley.	

Absent.

Murphy.	Pollard.
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Absent—Excused.

Lewis.
McMillin.
Rice.

Rogers.
Woods.

S. B. No. 75 on Engrossment.

Senator Witt called up Senate Bill No. 75, relating to game, fish and oyster commission, which was read second time on January 29 and laid on the table subject to call.

The Chair laid the bill before the Senate.

Senator Witt offered the following amendments to the bill:

(1)

Amend caption of S. B. No. 75 so as make same read as follows:

A BILL

To be Entitled.

An Act providing where the State of Texas has issued a permit or lease by the Commissioner of the General Land Office for prospecting and developing for oil and gas or a permit by the Game, Fish and Oyster Commissioner of the State of Texas, to excavate and take from any island, reef, bar, lake, river, creek, bayou or bay of this State oil and gas, marl, mud, shell, oyster shell, sand and gravel, the State at the request of the lessee or permit holder shall have the right and power to condemn land for the purpose of erecting derricks and necessary equipments, plant sites and plants, railroad spurs, and opening roads and passage-ways to said plant or place of operations, and providing that the method of condemnation shall be the same as is now provided by law in case of railroads; providing that suit may be instituted by the Attorney General of Texas in the county where such lease or permit is situated and the cost of same be paid by said lessee or permit holder or his assigns seeking condemnation.

Amend S. B. No. 75 so as to make said bill after caption to read as follows:

Be it enacted by the Legislature of the State of Texas:

Section 1. That where the State of Texas has issued a permit or lease by the Commissioner of the General Land Office for prospecting and developing for oil and gas, or a

permit by the Game, Fish and Oyster Commissioner of the State of Texas, to excavate and take from any island, reef, bar, lake, river, creek, bayou or bay of this State oil and gas, marl mud, shell, oyster shell, sand and gravel, the State, at the request of the lessee or permit holder, shall have the right and power to enter upon and condemn and appropriate the lands, right-of-way, easements and property of any person or corporation for the purpose of erecting derricks and necessary equipment for the production of oil and gas and of acquiring plant sites and of erecting, maintaining and operating plants, and for the purpose of laying and maintaining railroad spurs to the nearest railroad, and for the purpose of opening and maintaining necessary passage ways to said plants or place of operations; provided the manner and method of such condemnation and assessment and payment of damages therefor shall be the same as is provided by law in the case of railroads.

Sec. 2. Condemnation suits brought under this chapter shall be brought in the name of the State, by the Attorney General of Texas in the county where the area included in said lease or permit or some part of same is situated. All costs in such proceedings shall be paid either by the lessee or permit holder at whose instance such proceedings are had, or by the person against whom such proceedings are had, to be determined as in the case of railroad condemnation proceedings, and all damages and pay for property awarded in such proceedings shall be paid by the lessee or permit holder, and in no event shall the State be liable for any costs, damages or any sum whatsoever with respect to such proceedings.

Sec. 3. The importance of this legislation to the people of this State on account of oil and gas development in river beds and the scarcity of sand and gravel creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

The amendments were adopted.
S. B. No. 75 was then passed to engrossment.

H. B. No. 168—Free Conference

Committee Report Adopted.

Senator Darwin called up the report of the Free Conference Committee on H. B. No. 168, which was presented last Saturday.

Senator Witt moved that further consideration of the report of the Free Conference Committee on H. B. No. 168 be postponed until next Friday afternoon.

Yeas and nays were demanded and the motion to postpone was lost by the following vote:

Yeas—9.

Baugh.	Stuart.
Bledsoe.	Watts.
Bowers.	Witt.
Davis.	Wood.
Fairchild.	

Nays—13.

Bailey.	Pollard.
Burkett.	Ridgeway.
Darwin.	Strong.
Dudley.	Thomas.
Floyd.	Turner.
Holbrook.	Wirtz.
Parr.	

Absent—Excused.

Woods.

(Pairs Recorded.)

Senator Murphy (present), who would vote yea; with Senator Lewis (absent), who would vote nay.

Senator Cousins (present), who would vote yea; with Senator Rogers (absent), who would vote nay.

Senator Doyle (present), who would vote yea; with Senator Rice (absent), who would vote nay.

Senator McMillin (present), who would vote yea, with Senator Clark (absent), who would vote nay.

Question recurred on the adoption of the report.

Yeas and nays were demanded, and the report was adopted by the following vote:

Yeas—17.

Bailey.	Fairchild.
Burkett.	Floyd.
Darwin.	Holbrook.
Davis.	Parr.
Dudley.	Pollard.

Ridgeway.
Strong.
Stuart.
Thomas.

Turner.
Wirtz.
Wood.

Nays—5.

Baugh.
Bledsoe.
Bowers.

Watts.
Witt.

Absent—Excused.

Woods.

(Pairs Recorded.)

Senator Murphy (present), who would vote nay; with Senator Lewis (absent), who would vote yea.

Senator Cousins (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

Senator McMillin (present), who would vote yea; with Senator Clark (absent), who would vote nay.

Senator Doyle (present), who would vote nay; with Senator Rice (absent), who would vote yea.

Senator Pollard moved to reconsider the vote by which the report was adopted and table the motion to reconsider.

The motion to table prevailed.

S. B. No. 131 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 131, A bill to be entitled "An Act to amend Title 3 of the Revised Civil Statutes entitled 'Aliens'; amending Chapter 134 of the General Laws of the State of Texas, passed by the Thirty-seventh Legislature, providing that the provisions of said Chapter 134 shall not apply to persons, firms and corporations who have heretofore or who shall hereafter lease or purchase the right to prospect for, develop, and use coal, petroleum, gas and other minerals; and repealing all Acts or parts of Acts not consistent with or in conflict therewith; and declaring an emergency."

The bill was read third time and failed on final passage by the following vote:

Yeas—10.

Baugh.
Bowers.
Doyle.
Dudley.
Fairchild.

Floyd.
Murphy.
Watts.
Witt.
Wood.

Nays—12.

Bailey.	Pollard.
Clark.	Ridgeway.
Cousins.	Strong.
Davis.	Thomas.
Holbrook.	Turner.
Parr.	Wirtz.

Present—Not Voting.

Bledsoe.	Woods.
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Absent.

Stuart.

Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

(Pair Recorded.)

Senator Burkett (present), who would vote nay; with Senator Darwin (absent), who would vote yea.

S. B. No. 333 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading,

S. B. No. 333, A bill to be entitled "An Act providing that in all cases where any bond is now or may hereafter be required to be given or executed by the State Treasurer, or any of his clerks or deputies, or by any county or city depositories, or by any State, county or city tax collector, or by their clerks or deputies, or any other employes of the State, or any county or city therein, that said bond shall be conditioned as now provided by law and shall be executed by some surety or bonding company authorized to do business in this State and that the cost of such bond shall be paid by the State, county or city of which such officer is an employe, and in addition to the salary of such officer; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time and passed.

S. B. No. 189—Vote Reconsidered.

Senator Baugh moved to reconsider the vote by which S. B. No. 189 failed on final passage today.

The motion to reconsider prevailed.

Question: Shall S. B. No. 189 be finally passed?

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Free Conference Committee on H. B. No. 60.

The House has granted unanimous consent to the Enrolling Clerk of the House to strike out Section 5 of H. B. No. 294, and requests the Senate to concur.

S. C. R. No. 21, relating to Confederate sailors and the location of their records.

H. C. R. No. 27, enclosing a plan to create a Birth Registration Department.

H. C. R. No. 8, relating to the negotiation of a loan by the Board of Regents of the University of Texas, and providing for a committee to advise and counsel with the Board of Regents in regard to said loan.

H. B. No. 40, A bill to be entitled "An Act to provide a more efficient method for the collection of delinquent taxes, providing compensation for the county attorney and other officials, limiting the defense that may be urged in a suit for taxes, expressly repealing Articles 7687, 7688, 7689, 7690, 7691, 7692, 7696, 7699, 7697, 7687a 7687b and 7688a, Vernon's Sayles' Texas Civil Statutes, and repealing all laws in conflict herewith."

H. B. No. 41, A bill to be entitled "An Act to regulate domestic relations by prescribing means and procedure for the enforcement of the obligation of the father of legitimate minor children for their support and maintenance, and for other purposes, and declaring an emergency."

H. B. No. 48, A bill to be entitled "An Act providing for the removal of any public officer for intoxication and declaring an emergency."

H. B. No. 86, A bill to be entitled "An Act amending Article 6285 of the Revised Civil Statutes of the State of Texas, 1920, and providing for the assistance by the county of any mother unable to properly provide for her children, where the father of such children is either dead, in a State institution, or where she is compelled by divorce to have the entire care and custody of such children without assistance from the father."

H. B. No. 247, A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Austin, Texas; to provide for all courses of study by correspondence that supply the needs of Texas people; to provide for the appointment of an executive board for same, and prescribe their duties; to provide for the appointment of members of the faculty, prescribe their duties and provide for the salaries of members of said faculty, and declaring an emergency."

H. B. No. 425, A bill to be entitled "An Act to amend Chapter 2 of Title 104 of the Revised Civil Statutes of 1911, as amended by Chapter 32, General Laws, First Called Session, Thirty-fifth Legislature, pertaining to the management and control of the Prison System of this State by adding thereto another article to be known as Article 6231b, so as to exempt the Board of Prison Commissioners, and the members thereof, from giving or making any cost bond, supersedeas bond, writ of error bond, or other bond or security in any civil suit or action heretofore or hereafter brought by or against it, or them, and declaring an emergency."

H. B. No. 530, A bill to be entitled "An Act to amend Chapter 167 of the laws of the Regular Session of the Thirty-fifth Legislature, 1917, relative to the appointment of an assistant district attorney; prescribing the mode of appointment of assistant district attorneys in districts containing two or more counties, and in which district there is situated a city of twenty-eight thousand population or more according to the last United States census; prescribing the qualification of such assistant district attorney; defining his duties; providing the method of his removal from office; fixing his salary and prescribing the mode of its payment, and declaring an emergency."

S. B. No. 222, A bill to be entitled "An Act creating and establishing the Santa Cruz Independent School District in Nueces County Texas, defining its boundaries, providing for the election and qualification of trustees therefor and vesting said district with the rights, powers, duties and privileges of districts incorporated under general law for free school purposes, and declaring an emergency."

S. B. No. 346, A bill to be entitled "An Act incorporating the Ennis In-

dependent School District in Ellis County, Texas, for free school purposes only, defining its boundaries, providing for Board of Trustees, providing for a treasurer for the funds of said district and providing for an assessor and collector of taxes of said district; divesting the city of Ennis of the control of its public schools and the title to school property and vesting the same in the Ennis Independent School District and its Board of Trustees and prescribing the rights, powers, privileges and duties of said Ennis Independent School District and its Board of Trustees and officers; authorizing the levying and collecting of taxes for said school purposes, and authorizing the right of eminent domain to condemn property for school purposes; authorizing the said independent school district to borrow money without the issuance of bonds; authorizing the said board to be vested with all authority that is vested in board of trustees of independent school districts by the General Laws of the State of Texas and authorizing them to employ an attorney for the protection of property; and declaring an emergency."

S. B. No. 355, A bill to be entitled, "An Act to create the Palo Alto Independent School District out of a part of the Matamoras Common School District and the Bishop Independent School District in Nueces County, Texas, defining its boundaries; providing for a board of trustees in said district; conferring in said district and its board of trustees, all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State upon independent school districts, and declaring an emergency."

S. B. No. 403, A bill to be entitled "An Act validating Midway Common School District No. 44 of Johnson County, Texas, as the same is described in the order of the county board of trustees of Johnson County, dated June 3, 1922; validating an election for school house and equipment bonds, in the sum of \$3000, held on July 3, 1922, together with all orders of the commissioners' court of Johnson County, pursuant to said election and in respect to said bonds; also validating all levies of taxes made by the said commissioners' court for the purpose of providing interest and sinking fund for said bonds; authorizing the Attorney Gen-

eral to approve said bonds; defining the powers of the county school of trustees of Johnson County in respect to said district; and declaring an emergency."

The House requests the Senate to return H. C. R. No. 25 for further consideration.

H. B. No. 160, A bill to be entitled "An Act amending Article 4611 of the Revised Civil Statutes with reference to the issuance of marriage licenses so as to provide that no license to marry shall be issued except in the county of the residence of the female desiring to marry unless the parent or guardian is present in person and gives his or her consent for the issuance of such license; providing punishment for the violation of the Act, and declaring an emergency," with engrossed rider.

H. B. No. 674, A bill to be entitled "An Act exempting Travis County for a period of two years from the provisions of Chapter 12, Section 3, Acts of 1917, Third Called Session, as amended by Chapter 87, Section 3, Acts 1918, Fourth Called Session, and providing for an emergency."

H. B. No. 424, A bill to be entitled "An Act amending the statutes relative to elections, primary elections and nominating conventions; amending Article 3093, Revised Civil Statutes, as amended, relative to primary elections and nominating conventions, so as to better provide for voting and participating in primary elections; amending Article 2956, Revised Civil Statutes, so as to safeguard the issuance and use of poll tax receipts; amending Article 2939, Revised Civil Statutes as amended, so as to prevent fraud and irregularity under the absentee voting law in primary elections; amending Article 3084, Revised Civil Statutes, so as to require all political parties casting ten thousand votes or more at the last general election to nominate candidates for office by primary election; making it unnecessary for judges, clerks or supervisors to reside in the precinct; restricting the use of injunctions in preventing performance of duty under the laws relative to elections, primary elections and nominations of candidates; requiring the Secretary of State to certify certain nominations; amending Article 3129, Revised Civil Statutes, so as to require the preservation of ballot boxes and investigating

the ballots; prescribing an oath for executive committeemen and judges, clerks and supervisors in primary elections in order to assure affiliation with the political party for which said committeemen or officers act, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair (Senator Dudley) had referred, after their captions had been read, the following House bills:

H. B. No. 375, referred to Committee on Educational Affairs.

H. B. No. 407, referred to Committee on Judicial Districts.

H. B. No. 547, referred to Committee on Educational Affairs.

H. B. No. 588, referred to Committee on Educational Affairs.

H. B. No. 616, referred to Committee on Educational Affairs.

H. B. No. 631, referred to Committee on State Affairs.

H. B. No. 632, referred to Committee on State Affairs.

H. B. No. 634, referred to Committee on State Affairs.

H. B. No. 635, referred to Committee on State Affairs.

H. B. No. 643, referred to Committee on Educational Affairs.

H. B. No. 644, referred to Committee on Educational Affairs.

H. B. No. 651, referred to Committee on Educational Affairs.

H. B. No. 652, referred to Committee on Educational Affairs.

H. B. No. 660, referred to Committee on Educational Affairs.

H. B. No. 40, referred to Committee on State Affairs.

H. B. No. 41, referred to Committee on Criminal Jurisprudence.

H. B. No. 48, referred to Committee on Civil Jurisprudence.

H. B. No. 86, referred to Committee on Civil Jurisprudence.

H. B. No. 247, referred to Committee on Educational Affairs.

H. B. No. 425, referred to Committee on Penitentiaries.

H. B. No. 530, referred to Committee on Civil Jurisprudence.

H. B. No. 160, referred to Committee on Criminal Jurisprudence.

H. B. No. 674, referred to Committee on State Affairs.

H. C. R. No. 27, referred to Committee on Public Health.

H. B. No. 424, referred to Committee on Privileges and Elections.

Bills Signed.

The Chair (Lieutenant Governor Davidson), gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. C. R. No. 26.
H. B. No. 70.
H. B. No. 177.
H. B. No. 254.
H. B. No. 287.
H. B. No. 578.

Recess.

On motion of Senator Clark, the Senate at 5:20 p. m. recessed until 7:30 p. m. today.

Night Session.

The Senate met at 7:30 p. m. and was called to order by Senator Dudley.

S. B. No. 189—Final Passage.

The Chair laid before the Senate as pending business, S. B. No. 189 on final passage, a motion to reconsider the vote by which the bill failed to finally pass, having prevailed.

Question: Shall the bill pass?

Senator Baugh offered the following amendment to the bill:

Amend S. B. No. 189, page 1, line 20, immediately after the word "age" by inserting the following: "and not over twenty-one years of age."

The roll was called and the amendment was lost by the following vote:

Yeas—11.

Baugh.	Thomas.
Burkett.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Dudley.	Woods.
Strong.	

Nays—12.

Bailey.	Holbrook.
Bowers.	Murphy.
Clark.	Ridgeway.
Cousins.	Stuart.
Fairchild.	Witt.
Floyd.	Wood.

Absent.

Bledsoe.	Parr.
Darwin.	Pollard.

Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

Senator Thomas offered the following amendment to the bill:

Amend S. B. No. 189 by striking out the word "over," line 19, page 1, and adding after years, line 20, words "and six months."

The roll was called and the amendment was lost by the following vote:

Yeas—7.

Baugh.	Watts.
Clark.	Witt.
Thomas.	Woods.
Turner.	

Nays—18.

Bailey.	Holbrook.
Bowers.	Murphy.
Burkett.	Parr.
Cousins.	Pollard.
Davis.	Ridgeway.
Doyle.	Strong.
Dudley.	Stuart.
Fairchild.	Wirtz.
Floyd.	Wood.

Absent.

Bledsoe.	Darwin.
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Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

Senator Wirtz offered the following amendment to the bill:

Amend S. B. No. 189 by striking out the period at end of Section 1 and adding a comma in lieu thereof, and the following: "providing said trustees may charge tuition for persons under seven and over twenty-one years of age."

Senator Stuart moved to table the amendment and the motion to table was lost.

The roll was then called and the amendment was lost by the following vote:

Yeas—9.

Baugh.	Dudley.
Burkett.	Fairchild.
Cousins.	Turner.
Davis.	Wirtz.
Doyle.	

Nays—14.

Bailey.	Pollard.
Bowers.	Ridgeway.
Clark.	Strong.
Floyd.	Stuart.
Holbrook.	Thomas.
Murphy.	Watts.
Parr.	Wood.

Absent.

Bledsoe.	Witt.
Darwin.	Woods.

Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

Question—Shall S. B. No. 189 be passed?

Yeas and nays were demanded, and the bill failed on final passage by the following vote:

Yeas—11.

Bowers.	Ridgeway.
Clark.	Stuart.
Floyd.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	

Nays—12.

Bailey.	Fairchild.
Baugh.	Holbrook.
Burkett.	Strong.
Cousins.	Thomas.
Davis.	Turner.
Dudley.	Watts.

Absent.

Bledsoe.	Woods.
Darwin.	

Absent—Excused.

Lewis.	Rogers.
McMillin.	

(Pair Recorded.)

Senator Doyle (present), who would vote nay; with Senator Rice (absent), who would vote yea.

S. B. No. 390 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 390, A bill to be entitled "An Act amending Sec. 2 of S. B. No. 25, Chapter 1 of the Special Laws of

the State of Texas, passed at the First Called Session of the Thirty-seventh Legislature in 1921, and providing for that portion of the land hereby segregated from the Bowie Independent School District to bear its proportionate part of any bonded indebtedness now chargeable against that portion of the district hereby segregated and adding Sec. 2a and Sec. 2b."

The bill was read third time and passed by the following vote:

Yeas—25.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Dudley.	Wirtz.
Fairchild.	Witt.
Floyd.	Wood.
Holbrook.	Woods.
Murphy.	

Absent.

Bledsoe.	Darwin.
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Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

S. B. No. 405 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. B. No. 405, A bill to be entitled "An Act to create a more efficient road system for Colorado County, making the county commissioners of said county ex-officio road supervisors, prescribing the duties as such, providing for their compensation as such road supervisors; authorizing the commissioners' court to employ a civil engineer to plan and superintend road and bridge construction and repair in said county and fixing the compensation for such engineer; providing for the laying off of road precincts; prescribing the duties and liabilities of all persons subject to road duty, and fixing penalties for violation or neglect of such duties so imposed; providing for exemptions; providing for the working of county convicts on the county roads of said county and authorizing the

commissioners' court to enact reasonable rules, regulations and punishments necessary for the government, control and discipline of said convicts, and for effectually securing and utilizing their labor; providing for the payment of costs due officers in misdemeanor convict cases, providing for the commutation of time of convicts as a reward for faithful service and good behavior; providing a reward not to exceed ten dollars to be offered for the arrest and conviction of escaped county convicts and taxing such reward and all costs necessarily incurred in the recapture and conviction of such convicts against such convicts; making it a penal offense for any county convict to escape from any person having him in charge for the county, providing a penalty for such escape; providing for the trimming of hedges by the owners of lands adjoining public roads and providing a penalty for the failure to trim such hedges; providing the amount of compensation in road time be allowed to road hands for teams, plows, scrapers and wagons; providing for the condemnation of land for public road purposes; providing for the working of delinquent poll tax payers on public roads; providing for the appointment of road overseers and defining their powers and duties, providing compensation and providing for penalties for persons failing to work the roads when warned, and for persons failing to do good work, or to work in the manner required by the road supervisor or road overseer; providing for the summoning of persons and teams, plows, scrapers and wagons to work in connection with the county regularly organized road gang or to repair roads in the precinct; providing for the working of county convicts either upon the roads and bridges or the county farm or public ground or public building or partly upon either, in the discretion of the commissioners' court; and providing for making such laws cumulative to the General Laws of the State of Texas, and in case of conflict the special law is to apply to Colorado County, Texas, and repealing all laws in conflict herewith, and all special road laws heretofore enacted for said county, not otherwise heretofore repealed, and declaring an emergency."

The bill was read the second time, the committee report was adopted, and passed to engrossment.

S. B. No. 405 on Third Reading.

On motion of Senator Clark, the constitutional rule requiring bills to be read on three several days in each House was suspended and S. B. No. 405 was put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Dudley.	Wirtz.
Fairchild.	Witt.
Floyd.	Wood.
Holbrook.	Woods.
Murphy.	

Absent.

Bledsoe.	Darwin.
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Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

The Chair then laid S. B. No. 405 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—25.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Dudley.	Wirtz.
Fairchild.	Witt.
Floyd.	Wood.
Holbrook.	Woods.
Murphy.	

Absent.

Bledsoe.	Darwin.
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Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

S. B. No. 201 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. B. No. 201, A bill to be entitled "An Act organizing the Forty-second Judicial District of Texas; defining its limitations and naming the counties which shall constitute same; providing for the transfer of Stephens County from said district to the Ninetieth Judicial District of Texas; providing for the transfer of all cases on the docket of the Forty-second Judicial District within the county of Stephens to the docket of the Ninetieth Judicial District in said county; and validating all writs, bonds, recognizances, and process in all cases pending upon the dockets of the district courts in the aforesaid counties, and declaring an emergency."

The bill was read second time and was passed to engrossment.

The bill was read third time and passed by the following vote:

Yeas—25.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Dudley.	Wirtz.
Fairchild.	Wirtz.
Floyd.	Wood.
Holbrook.	Woods.
Murphy.	

Absent.

Bledsoe. Darwin.

Absent—Excused.

Lewis. Rice.
McMillin. Rogers.

S. B. No. 201 on Third Reading.

On motion of Senator Burkett, the constitutional rule requiring bills to be read on three several days in each house was suspended, and S. B. No. 201 was put upon its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Dudley.	Wirtz.
Fairchild.	Wirtz.
Floyd.	Wood.
Holbrook.	Woods.
Murphy.	

Absent.

Bledsoe. Darwin.

Absent—Excused.

Lewis. Rice.
McMillin. Rogers.

The Chair then laid S. B. No. 201 before the Senate on its third reading and final passage.

S. B. No. 363 and H. B. No. 610. on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. B. No. 363, A bill to be entitled "An Act to amend Section 1 of Chapter 3, Local and Special Laws, Third Called Session, Thirty-sixth Legislature, amending and revising the metes and bounds of the Moran Independent School District in Shackelford and Callahan counties, Texas, and declaring an emergency."

The bill was read second time, and under the Senate rules, the Chair laid before the Senate, on second reading.

H. B. No. 610, A bill to be entitled "An Act to amend Section 1 of Chapter 3, Local and Special Laws, Third Called Session, Thirty-sixth Legislature, amending and revising the metes and bounds of the Moran Independent School District in Shackelford and Callahan counties, Texas, and declaring an emergency."

Being a bill on the same subject.

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to engrossment.

H. B. No. 610 on Third Reading.

On motion of Senator Burkett, the constitutional rule requiring bills to be read on three several days in each house was suspended, and H. B. No. 610 was put upon its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Dudley.	Wirtz.
Fairchild.	Wood.
Floyd.	Woods.
Holbrook.	
Murphy.	

Absent.

Bledsoe. Darwin.

Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

The Chair then laid H. B. No. 610 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—25.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Dudley.	Wirtz.
Fairchild.	Wood.
Floyd.	Woods.
Holbrook.	
Murphy.	

Absent.

Bledsoe. Darwin.

Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

S. B. No. 200—Motion to Take Up.

Senator Clark moved to suspend the regular order and take up, out

of its regular order, S. B. No. 200 on second reading and passage to engrossment.

The motion was lost by the following vote:

Yeas—10.

Bowers.	Fairchild.
Burkett.	Floyd.
Clark.	Parr.
Cousins.	Strong.
Davis.	Stuart.
Doyle.	Thomas.

Nays—12.

Baugh.	Turner.
Dudley.	Watts.
Holbrook.	Wirtz.
Murphy.	Wood.
Pollard.	Woods.

Absent.

Bailey.	Ridgeway.
Bledsoe.	Witt.
Darwin.	

Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

S. B. No. 326 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 326, A bill to be entitled "An Act governing the issuance of teachers' certificates in the teachers' training course of the Dallas public schools."

The bill was read second time and passed to engrossment.

S. B. No. 328 and H. B. No. 540 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 328, A bill to be entitled "An Act to fix the salaries of the judge of the County Court of Dallas County at Law No. 1 and of the County Court of Dallas County at Law No. 2 and prescribe the method and source of payment, to repeal all laws in conflict herewith, and to declare an emergency."

The bill was read second time.

Under the rules, the Chair laid before the Senate on second reading,

H. B. No. 540, A bill to be entitled

"An Act to fix the salaries of the judge of the county court of Dallas County at Law No. 1, and of the judge of the county court of Dallas County at Law No. 2, and prescribe the method of payment."

Being a bill on the same subject.

The bill was read second time, the committee report that it be not printed was adopted, and it was then passed to third reading.

H. B. No. 540 on Third Reading.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days in each House, was suspended, and H. B. No. 540 was put on its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Holbrook.	

Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

The chair then laid H. B. No. 540 before the Senate, on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Holbrook.	

Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

S. B. No. 362 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 362, A bill to be entitled "An Act to create the Desdemona Independent School District in Eastland and Erath Counties, Texas, including the present Desdemona Independent School District, of Eastland County, providing a board of trustees therefor, vesting said independent school district with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas, providing the board of trustees of the present Desdemona Independent School District shall continue to act as such until their successors are elected as provided herein; providing for the assumption of any outstanding indebtedness created by the present Desdemona Independent School District; and declaring an emergency."

The bill was read the second time, the committee report that the bill be not printed was adopted, and it passed to engrossment.

S. B. No. 362 on Third Reading.

On motion of Senator Burkett, the constitutional rule requiring bills to be read on three several days in each House was suspended and S. B. No. 362 was put on its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Holbrook.	

Absent—Excused.

Lewis. Rice.
McMillin. Rogers.

The Chair then laid S. B. No. 362 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Holbrook.	

Absent—Excused.

Lewis. Rice.
McMillin. Rogers.

S. B. No. 344 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. B. No. 344, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to lease a group of three islands situated in Bahia Grande (Big Bay) in Cameron County for a term not to exceed fifty years to the National Association of Audubon Societies for and in consideration of said association undertaking to propagate, protect and conserve birds and bird life thereon; providing punishment by fine and imprisonment for violations of this Act, and declaring an emergency."

The bill was read second time and passed to engrossment.

S. B. No. 344 on Third Reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days in each House was suspended and S. B. No. 344 was put on its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Holbrook.	

Absent—Excused.

Lewis. Rice.
McMillin. Rogers.

The Chair then laid S. B. No. 344 before the Senate on its third reading and final passage.

The bill was read third time and passed.

S. B. No. 423 on Second Reading.

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days in each House was suspended and S. B. No. 423 was put upon its second reading and passage to engrossment by the following vote:

Yeas—27.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Holbrook.	

Absent—Excused.

Lewis. Rice.
McMillin. Rogers.

The Chair laid before the Senate on second reading and passage to engrossment.

S. B. No. 423, A bill to be entitled "An Act amending Chapter 19, Local and Special Laws of the First Called Session of the Thirty-seventh Legis-

lature of the State of Texas, creating the Canton Independent School District in Van Zandt County, Texas; defining its boundaries, providing for an extension thereof, including the present Canton Independent School District; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing that the outstanding bonded indebtedness of each school district included with the bounds of said district shall remain chargeable against the territory which voted the same; providing that the district as herein created may assume such outstanding bonded indebtedness; providing for the repeal of all laws in conflict herewith; and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to engrossment.

S. B. No. 423 on Third Reading.

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days in each House was suspended and S. B. No. 423 was put upon its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Holbrook.	

Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

The Chair then laid S. B. No. 423 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Holbrook.	

Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

(Senator Wood in the Chair.)

S. B. No. 364 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 364, A bill to be entitled "An Act to repeal Chapter 74, Special Laws of the Thirty-second Legislature, as amended by Chapter 96, Special Laws of the Thirty-third Legislature, and as further amended by Chapter 89, Special Laws of the Thirty-fourth Legislature, relating to the road system of Leon County; and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

S. B. No. 364 on Third Reading.

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days in each House was suspended and S. B. No. 364 was put upon its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Darwin.
Baugh.	Davis.
Bledsoe.	Doyle.
Bowers.	Dudley.
Burkett.	Fairchild.
Clark.	Floyd.
Cousins.	Holbrook.

Murphy.	Turner.
Parr.	Watts.
Pollard.	Wirtz.
Ridgeway.	Witt.
Strong.	Wood.
Stuart.	Woods.
Thomas.	

Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

The Chair then laid S. B. No. 364 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Holbrook.	

Absent—Excused.

Lewis.	Rice.
McMillin.	Rogers.

H. B. No. 549 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 549, A bill to be entitled "An Act creating the Thrall Independent School District in the county of Williamson, State of Texas; defining its boundaries; providing for a board of trustees to control and manage the schools of the said district; divesting Common School District No. 21 of Williamson County, Texas, of the control of the free schools of the said district and of the title, management and control of all property held, owned and controlled for public free school purposes therein, and vesting the same in the said Thrall Independent School District and in the board of trustees thereof; providing for the assessing and collecting of taxes; providing for the issuance of bonds; providing for the election of a treasurer for the said school district; providing for the elec-

tion of an assessor and collector for said school district; providing for the erection of buildings, and equipping same for school purposes, and assuming the payment of the outstanding bonded indebtedness of Common School District No. 21 of Williamson County, Texas, and creating an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

(Senator Dudley in the Chair.)

H. B. No. 570 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 570, A bill to be entitled "An Act changing and enlarging the boundaries of the Elmo Independent School District in Kaufman County, and providing for an election to adjust the territory thus added, to taxes which may be now levied upon the property of said Elmo Independent School District and for an assumption by said Elmo Independent School District of the pro rata of taxes to which the territory thus added to said Elmo Independent School District by this Act may be subject by reason of any outstanding bond issues previously voted by any school district or school districts of which such added territory may have heretofore formed part; defining the powers of said Elmo Independent School District, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 449 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 449, A bill to be entitled "An Act to amend an Act of the Thirty-first Legislature, First Called Session, Chapter 5, Special Laws, entitled 'An Act creating an independent school district to be known as the Goliad Independent School District, including within its limits the unincorporated town of Goliad in Goliad

County, and to provide for a board of trustees and other officers of such district; to authorize the board of trustees to levy, assess and collect special taxes, and to issue and dispose of bonds of such district for the purpose of purchasing school sites, and erecting, repairing, furnishing, and equipping school buildings within the same, and to pay current expenses in the maintenance and support of the public schools therein, and to further prescribe the duties and authority of said board of trustees, and declaring an emergency, and by this amended Act to provide for the assumption by the Goliad Independent School District, as hereby created, of all outstanding indebtedness now existing against same, and to provide for the payment of the outstanding indebtedness against Common School District No. 2, Goliad County, and declaring an emergency; said Act to be so amended as to hereafter read as follows":

The bill was read second time, the Senate rule requiring committee reports to lie over one day, was suspended by unanimous consent, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 546—Votes Reconsidered.

On motion of Senator Watts, the vote by which H. B. No. 546 was finally passed, was reconsidered.

Senator Watts then moved that the vote by which the bill was passed to third reading be reconsidered.

The motion to reconsider prevailed.

H. B. No. 353 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 353, A bill to be entitled "An Act to prescribe a closed season for the hunting of blue quail or scaled quail in Lampasas County, Texas, and to provide adequate penalties for the unlawful taking, slaughter, storage, or possession of same; to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read second time, the committee report that the bill be not

printed was adopted, and it was passed to third reading.

H. B. No. 563 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 563, A bill to be entitled "An Act to amend Section 1 of an Act entitled 'An Act creating the Pflugerville Independent School District in Travis and Williamson Counties, Texas; consolidating into said independent school district the territory included in the present Pflugerville Independent School District, Common School District No. 56, Common School District No. 12, Williamson and Travis County Line School District No. 14, and Common School District No. 15; defining its boundaries; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the General Laws; providing for a board of trustees therefor; making provision for taxation for school purposes in said district, and declaring an emergency, being House Bill No. 606, passed by the Regular Session of the Thirty-sixth Legislature, and amended by House Bill No. 51, passed by the Second Called Session of the Thirty-sixth Legislature,' changing and correcting the boundary lines of said school district and validating and confirming the election of school trustees for said district, and declaring an emergency, providing for the election of trustees in said school district and validating and confirming the election of school trustees for said school district."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 622 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 622, A bill to be entitled "An Act to create the Spicewood Independent School District in Burnet County, Texas, including the present Spicewood District No. 21, of said county; providing a board of trustees

therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Spicewood District No. 21 shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 560 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 560, A bill to be entitled "An Act creating and incorporating Midway Independent School District in Lynn County, Texas, out of territory now comprising Common School District No. 9 of Lynn County as heretofore created by the county board of school trustees of said county; defining boundary thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Midway Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 9 of Lynn County; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or pro-

vision hereof, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 561 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 561, A bill to be entitled "An Act creating and incorporating Joe Stokes Independent School District in Lynn County, Texas, out of territory now comprising Common School District No. 17 of Lynn County as heretofore created by the county board of school trustees of said county; defining boundary thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Joe Stokes Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 17 of Lynn County, validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property or said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provision hereof; and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 539 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 539, A bill to be entitled "An Act to increase the civil jurisdiction of the county court of Hockley County, and the unorganized county of Cochran, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 510 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 510, A bill to be entitled "An Act to increase and fix the salary of the superintendent of public instruction of Dallas County; providing for office expenses; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 596 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 596, A bill to be entitled "An Act validating a certain issue of schoolhouse bonds aggregating \$5000 bearing interest at 6 per cent per annum, voted by Common School District No. 7 of Lynn County on July 23, 1921; validating the election voting such bonds, all orders of the commissioners' court of Lynn County in respect to such election and such bonds, and in addition all orders levying taxes to support the same, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 600 on Second Reading.

The Chair laid before the Senate as regular order, on its third reading,

H. B. No. 600, A bill to be entitled

"An Act to amend Chapter 18 of the Local and Special Laws, passed at the Regular Session of the Thirtieth Legislature, and the same being an Act to create the Tulia Independent School District in Swisher County, Texas, adding thereto Sec. 6a, validating bond elections heretofore held and bonds issued thereunder, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 608 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 608, A bill to be entitled "An Act to create the Carta Valley Independent School District in Edwards and Val Verde Counties, Texas; providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 551 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 551, A bill to be entitled "An Act amending Sec. 2 of Chapter 72, of the Local and Special Laws of the State of Texas, passed by the Thirty-eighth Legislature at its Regular Session, said Act being an Act creating the Tynan Independent School District in Bee County, San Patricio and Live Oak Counties, Texas; said Act being amended by changing boundaries of said district set out in Sec. 2 thereof, and declaring an emergency."

The bill was read second time, the

committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 609 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 609, A bill to be entitled "An Act to amend Sec. 2, Chapter 22, Acts of the Thirtieth Legislature, Regular Session, re-defining the boundaries of the San Saba Independent School District, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 582 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 582, A bill to be entitled "An Act creating the Fairview Independent School District in Wichita County, Texas; defining its boundaries; providing for a board of trustees for said independent school district; describing their qualifications and terms of office; defining the rights, powers and privileges of said board; and conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State of Texas upon independent school districts and the board of trustees thereof; providing for the creation of a board of trustees; providing for the raising of revenues; declaring valid a maintenance tax heretofore voted; and providing for the assessment and collection of said tax and for a board of equalization of said school district; and providing for the election of trustees thereof; providing for the transportation of pupils under certain conditions, and repealing all laws insofar as they may be in conflict herewith, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 491 on Second Reading.

The Chair laid before the Senate

as regular order, on its second reading,

H. B. No. 491, A bill to be entitled "An Act creating and establishing the Spanish Fort Independent School District in Montague County, Texas; defining its boundaries; providing for a board of trustees in said district; continuing in office the board of trustees as heretofore elected in said district until the expiration of their respective terms of office; vesting title in said board of trustees to all school property in said district; conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing for a seal, and for the selection of a secretary, treasurer and assessor and collector of taxes; for a board of equalization, and prescribing its duties, etc., and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 620 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 620, A bill to be entitled "An Act creating Pontotoc Common County Line School District No. 13 of Mason, San Saba and Llano Counties, and placing the same under the management and control of Llano County; defining the powers of said district; providing for election of the first board of trustees of said district; providing for an election to determine whether or not a special school tax for maintenance purposes shall be levied upon the property contained in said district, and to determine whether the several outstanding obligations which may exist against the several territories and the portion of territory of other districts embraced in this district shall be assumed in whole the property of this district to provide for such indebtedness and pro rata thereof; making alternative provision for the protection of all such indebtedness; abolishing existing school districts wholly included within the boundaries, and declaring an emergency."

The bill was read second time, the committee report that the bill be not

printed was adopted, and it was passed to third reading.

H. B. No. 589 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 589, A bill to be entitled "An Act creating the Santa Margarita Independent School District in Willacy County, Texas, and defining its boundaries: providing for the election of a board of trustees therefor; providing for the election of a secretary, treasurer, assessor and collector of taxes and all other necessary officers and committees, and prescribing their qualifications; investing said district with all the rights, powers, privileges and duties of a town or village incorporated under the General Laws of the State for free school purposes only; and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 565 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 565, A bill to be entitled "An Act to reorganize the Thirtieth and Sixteenth Judicial Districts, and to create the Ninety-sixth Judicial District of the State of Texas, and for the appointment of the district judge of said Ninety-sixth Judicial District; providing for holding the district courts and terms in said Thirtieth, Sixteenth and Ninety-sixth Judicial Districts respectively; providing that all process and writs heretofore issued, and that all recognizances and bonds heretofore made and executed and returnable to existing terms of district courts in the counties composing said districts, together with jurors heretofore selected are valid and returnable to the first term of such court after this Act takes effect; providing that the county attorneys of the respective counties within said Ninety-sixth Judicial District shall perform the duties of district attorneys in their counties as well as the duties now performed by them, and providing fees of office for such county attor-

neys; providing for the transfer of cases from the Thirtieth Judicial District to the Ninety-sixth Judicial District, and from the Sixteenth Judicial District to the Ninety-sixth Judicial District; providing for the jurisdiction of said district courts, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect to the end of their terms, repealing all conflicting laws and declaring an emergency."

The bill was read second time.

Senator Witt offered the following amendments to the bill:

(1).

Amend H. B. No. 565 by substituting the words "ninety-seventh" for "ninety-sixth" wherever appearing in said bill.

(2).

Amend caption of H. B. No. 565 by substituting the words "ninety-seventh" for "ninety-sixth" wherever appearing.

The amendments were adopted.

H. B. No. 565 was then passed to third reading.

S. J. R. No. 20 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. J. R. No. 20:

"Providing for revenue for the support of the public schools; providing for the levying and collecting; in addition to the above ad valorem State tax not to exceed thirty-five cents on the one hundred dollars valuation; providing for the State Board of Education to set aside a sufficient amount out of said tax to provide free textbooks; providing for an additional appropriation by the Legislature if the limit of taxation be insufficient; providing for the formation of school districts by the Commissioners' Courts of the several counties; and providing that school districts may embrace parts of two or more counties; providing further that the Legislature be authorized to pass laws for the assessment and collection of taxes in said districts; conferring the management and control of the public schools of such districts upon the commissioners' courts; providing for the Legislature to authorize an additional ad valorem tax within school districts for the maintenance of pub-

lic schools, and the erection and equipment of school buildings therein; providing that a majority of the qualified property tax-paying voters of the district shall vote such tax not to exceed in one year one dollar on the one hundred dollar valuation on property subject to taxation, but this limitation shall not apply to incorporated cities or towns constituting separate and independent school districts."

The resolution was read second time, and was passed to engrossment.

H. B. No. 244 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 244, A bill to be entitled "An Act to relieve various schools of the State by validating certain school districts, and where such districts have undertaken to provide for the issuance of schoolhouse bonds, or the levying of special taxes for any lawful school purposes, by proceedings not otherwise invalid: validating such bond issues and taxes, and declaring an emergency."

The bill was read second time, the committee report carrying the following amendment was adopted:

"This Act shall not be construed as validating any bond issue attempted to have been voted upon any territory larger than, or in any way different from, that defined by the latest valid order of the County Board of Trustees, changing and defining the boundaries of the district, for which such election was attempted to be held."

The bill was then passed to third reading.

S. B. No. 154 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. B. No. 154. A bill to be entitled "An Act to provide the method of preparing statement of facts in all cases appealed or taken upon writ of error and for the consideration of same by the Appellate Courts and for the repeal of all laws and parts of laws in any wise in conflict with the Act or providing for the preparation of any statement of facts."

The bill was read second time, and on motion of Senator Ridgeway, was laid on the table subject to call.

S. B. No. 287 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. B. No. 287, A bill to be entitled "An Act to amend Article 6272 of the Revised Statutes of Texas, defining indigency and in particular describing who and under what conditions shall be entitled to the rights and privileges of a Confederate pension and who shall be entitled to become an inmate of the Confederate Home or other public institutions at the expense of the State."

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Amend S. B. No. 287, line 15, page 1, by changing the comma after the words "what constitutes indigency," to a period and change the small letter "t" in word "to" to a capital "T."

The amendment was adopted.

S. B. No. 287 was then passed to engrossment.

S. J. R. No. 11 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. J. R. No. 11, A joint resolution proposing an amendment to Article 8 of the Constitution of the State of Texas, which relates to taxation and revenues, by adding thereto a new section to be known as Section 9a, directing the Legislature to provide for the construction, operation and maintenance, under State control, of a State system of public highways; authorizing the Legislature to provide for the issuance of bonds of the State or other form of indebtedness for the construction of a State system of public highways, and to provide for the payment of said bonds; providing for an election for the ratification or rejection of the amendment herein proposed, and making an appropriation to defray the expense of said election.

The resolution was read second time, and was passed to engrossment.

S. B. No. 370 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 370, A bill to be entitled "An Act amending Section 1 of Chapter 110 of the General Laws of the Regular Session of the Thirty-seventh Legislature so as to permit steam and electric railroads, transportation companies or sleeping car companies, to furnish transportation to veterans of the Civil War at a rate of one cent per mile; and declaring an emergency."

The bill was read second time, and was passed to engrossment.

S. B. No. 166 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 166, A bill to be entitled "An Act to amend Article 1462, Chapter 2, Title 29, Revised Civil Statutes of 1911, as amended by Section 4, Chapter 134, Acts of the Thirty-fifth Legislature, 1917, providing qualifications for county auditors; also to amend Article 1463, Revised Civil Statutes of 1911, providing for bond of county auditors; also to amend Article 1407, Revised Civil Statutes of 1911, providing for removal of county auditors, and also by adding Subdivision A thereto, providing that county auditors shall furnish certificates and other written information from the records, books and accounts kept in their office to the Commissioner of Insurance and Banking, or National or State Bank Examiner; and providing for removal from office and criminal prosecution for failure to furnish same; also to amend Chapter 25, Title 18, of the Penal Code by amending Article 1578 thereof so as to add Subdivision A, making it unlawful for any county auditor or assistant county auditor to wilfully furnish any certificate or other written information concerning or relating to public finances or moneys not based upon the official records, books or accounts in the office of the county auditor and providing a penalty therefor; also to amend said Article 1578 of said chapter and Title of the Penal Code by adding thereto Subdivision B, providing that it shall be unlawful for any

bank official, or any servant, or agent, or employee of any bank to wilfully fail to furnish, or refuse or neglect to furnish to the county auditor of any county in this State, or any assistant county auditor any information concerning or relating to any public moneys or funds, or any moneys or funds over which the county auditor by law exercises the power of control, or supervision, or examination and providing a penalty therefor; and further amending said Article 1578 of the Penal Code by adding Subdivision C thereto, providing that it shall be unlawful for any bank official, or agent, or servant or employee to wilfully furnish in writing any false statement or false certificate or false information concerning or relating to any public moneys or funds or deposit with any bank, over which the county auditor by law exercises the power of control, or supervision, or examination, and providing a penalty therefor; and declaring an emergency."

The bill was read second time, and the committee report carrying the following amendments was adopted:

Committee Amendment No. 1.

On page 2, Section 1, Article 1462, strike out after the word "details" the following:

"And shall hold a certificate as certified public accountant of the State of Texas as provided by Chapter 122, General Laws, Regular Session, Acts of the Thirty-fourth Legislature, 1915, being Title 122a, Chapter 1, Complete Texas Statutes 1920." Also on the same page 2, Section 1, under Article 1462, strike out after the word "intelligence" the following: "And shall have procured a certificate as a certified public accountant of the State of Texas as provided for by Chapter 122, General Laws, Regular Session, Acts of the Thirty-fourth Legislature, 1915; and provided further that in event the State Board of Public Accountancy after appointment of said person shall revoke said person's certificate as a certified public accountant of the State of Texas for any of the reasons specified and set out in Section 11, Chapter 122, General Laws, Regular Session, Acts Thirty-fourth Legislature, 1915, such revocation shall ipso facto revoke the appointment of such person as county auditor."

Committee Amendment No. 2.

On page 3, Section 2, under Article 1493, by adding after the words "in the sum of" the following words: "not less than." Also on page 3, Section 2, under Article 1463, and after the words "to be" and before the word "approved" the word "fixed and." Also on page 5, Subdivision A in the third line, between the words "wilfully" and "furnished" add the words "fail to."

The bill was then passed to engrossment.

Executive Session—Time Re. Set.

Senator Floyd moved that the time for holding an executive session for consideration of nominations by the Governor be changed from 3 p. m. tomorrow to 9:30 a. m. tomorrow.

The motion prevailed by unanimous consent.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 503, A bill to be entitled "An Act for the protection of those who have filed pre-emption or homestead donation claims on school section 2, S. P. Ry. Co., Certificate 16-58, in Jack County, Texas, by authorizing the original pre-emptors or their assignees in good faith and for value to purchase, and the Commissioner of the General Land Office to sell to them such portions as they own in good faith and for value under said pre-emption or homestead claim at fifty (50) cents per acre, after they have filed field notes in the General Land Office and have met such requirements as the law imposes on the owners of homestead or pre-emption claims and purchasers of school lands desiring patents therefor, and declaring an emergency."

H. B. No. 633, A bill to be entitled "An Act making it an offense for any person to kill, take or have in his possession wild quail within the period of five years from the passage of this Act in the counties of Medina, Uvalde, Zavala, Dimmitt, Kinney or Val

Verde; prescribing penalties for violation of this Act, and declaring an emergency."

H. B. No. 657, A bill to be entitled "An Act to amend Chapter 92 of the Special Laws of the Regular Session of the Thirty-sixth Legislature, known as an Act to create a more efficient road system for Angelina County, by re-enacting Section 3 and adding thereto a new section to be known as Section 8a, and declaring an emergency."

H. B. No. 670, A bill to be entitled "An Act making provision whereby sessions of the County Court at Law No. 2 may be held at Goose Creek for the convenience of the people in Justice Precinct No. 3 in Harris County; vesting in the County Court at Law No. 2 of Harris County exclusive jurisdiction within the territory now comprising Justice Precinct No. 3 of said county as to matters and things of which said court now has jurisdiction within the county; providing for the sessions of said County Court at Law No. 2 in the town of Goose Creek for at least ten days of each month in said territory, and fixing the date during each month on which said sessions shall begin; making it the duty of the commissioners court of Harris County to provide a suitable place for holding said sessions; conforming the jurisdiction of other inferior courts to the change herein made; providing for the necessary clerks and officers; making the necessary provisions incident to the purpose and subject of the Act; providing for the transfer of cases and proceedings, and declaring an emergency."

H. B. No. 562, A bill to be entitled "An Act to amend Article 2758, Chapter 12, Title 48, Revised Civil Statutes, 1911, as amended in Chapter 41 of the General Laws of Texas, Fourth Called Session of the Thirty-fifth Legislature, and in Chapter 57, Acts of the Thirty-sixth Legislature, Third Called Session, relating to the compensation and traveling and office expenses of county superintendents of public instruction; providing for the county board of trustees to fix the compensation within the minimum and maximum limits provided herein; providing for office and traveling expenses of the county superintendent of public instruction as determined by the county board of trustees, based upon the sworn itemized monthly

statements of the said county superintendent, and declaring an emergency," was amended by striking out the enacting clause.

House has concurred in Senate amendments to H. C. R. No. 25, relating to sine die adjournment.

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk House of Representatives.

Bills Read and Referred.

The Chair, Lieutenant Governor Davidson, had referred, after their captions had been read, the following House bills:

H. B. No. 503, referred to Committee on Public Lands and Land Office.

H. B. No. 633, referred to Committee on State Affairs.

H. B. No. 557, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 670, referred to Committee on Judicial Districts.

Adjournment.

On motion of Senator Bailey, the Senate at 9:30 p. m. adjourned until 9 o'clock a. m. tomorrow.

APPENDIX.

Petitions and Memorials.

Senator Burkett sent up and had read a petition signed by members of Local 1883 Farm Labor Union, Carbon, Texas, protesting against the passage of Resolution to call a Constitutional Convention for adopting a new Constitution for Texas.

Committee Reports.

Senate Chamber,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 175 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 189 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 176 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 132 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 131 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 400 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 285 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 333 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 5 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 325
carefully compared and find same to
be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin Texas, March 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 155
carefully compared and find same to
be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had Senate Bill No.
75 carefully compared and find same
to be correctly engrossed.

DOYLE, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have carefully com-
pared S. B. No. 54, and find the same
correctly enrolled and have this day
at 4:45 o'clock p. m. presented the
same to the Governor for his ap-
proval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
S. C. R. No. 18, and find the same
correctly enrolled and have this day
at 3:45 o'clock p. m. presented the
same to the Governor for his ap-
proval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
S. B. No. 377, and find the same
correctly enrolled and have this day
at 3:45 o'clock p. m. presented the
same to the Governor for his ap-
proval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
S. C. R. No. 20, and find the same
correctly enrolled and have this day
at 3:45 o'clock p. m. presented the
same to the Governor for his ap-
proval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
S. B. No. 99, which was passed over
the Governor's objections and veto,
and find the same correctly certified
and approved by the Senate and the
House of Representatives, and have
this day at 3:45 o'clock p. m. pre-
sented the same to the Secretary of
State.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have today carefully
compared S. B. No. 278, which was
passed over the Governor's objections
and veto, and find the same correctly
certified and approved by the Senate
and the House of Representatives,
and have this day at 3:45 o'clock p.
m. presented the same to the Secre-
tary of State.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on
State Affairs, to whom was referred
H. B. No. 278, A bill to be entitled
"An Act to require the payment of
interest on certain deposits from
water, light, gas and telephone
companies within this state, requir-
ing the making of annual reports;
providing penalties for violations
hereof; and declaring an emergency"

Have had same under consideration
and beg to report same back to the
Senate with the recommendation
that said bill do pass, with the com-
mittee amendment.

WITT, Chairman.

Senate Committee Amendment No. 1.

Amend House Bill No. 278 by striking out all of Section 2 after the word "service" in line eighteen, page two, of House engrossed bill, and insert in lieu thereof the following:

"Said person, firm, company, corporation, trustee or receiver, to whom or for whose benefit any such deposit is made, shall on July 2, 1923, make a good and sufficient bond, properly executed by the principal with some good and solvent surety company as surety authorized to do business in and according to the laws of the State of Texas; said bond payable to the county judge of the county in which such water, gas, light and telephone service is supplied, and to his successor in office, in trust for the benefit of said depositors required to make and making deposits as referred to herein; said bond to be equal to the total sum shown to be held on deposit by any such firm, company, corporation, trustee or receiver by said report herein required to be filed on July 1st, 1923, or who shall become depositors between said date and the next succeeding report, and to be payable as provided by the laws of Texas and as herein provided; which bond shall be conditioned that the principal therein will faithfully and seasonably keep and perform and observe each and every condition in this Act contained and will pay the interest due such depositor at the time and according to the requirements hereof and will make the settlements to each and every depositor discontinuing service as is required by the terms hereof, and will safely keep said deposits for the benefit of each of the several depositors named in said report. That on January 2, 1924, and annually thereafter said person, firm, company, corporation, receiver or trustee to whom and for whose benefit any such deposits named in such report or who shall become depositors between said date of said bond and date of next succeeding report is made shall make a good and sufficient bond termed and conditioned as herein provided and as provided by law in an amount equal to the amount of such total deposit as shown by the next preceding report required to be filed by the terms of this Act; said bond, when presented, if found to be properly executed and termed and con-

ditioned as required herein and by law, and said surety is shown to be in all things solvent and authorized to do business in the State of Texas as required by law, the county judge shall approve said bond and order the same deposited in the vaults of the county clerk for safe keeping. In the event the principal in said bond shall default in making the interest payments and the settlements as herein provided, and such default shall continue for a period of thirty days and the conditions of such bond be not discharged within such thirty days, suit for recovery of the amount so due any depositor may be filed by such depositor against said principal and the surety for the benefit of himself and for the benefit of all other depositors who may be beneficiaries under said bond by reason of the breach of its terms and conditions or any of same, and the venue of said suit shall be in the county wherein said bond sued upon was filed and approved."

Committee Room,

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 422, A bill to be entitled "An Act to authorize St. Louis, San Francisco and Texas Railway Company to purchase, own and operate as a part of its line the railroad of the International & Great Northern Railroad Company, the railroad of Fort Worth and Rio Grande Railway Company, the railroad of Paris and Great Northern Railroad Company, the railroad of the Brownwood North and South Railway Company, the railroad of Quanah, Acme and Pacific Railway Company, or any one or more of said railroads, together with the franchises, properties, rights and privileges of said companies or any of them, and authorizing the said companies and each or any of them to sell and convey all of its or their said railroads, constructed or to be constructed, and all other properties, rights, franchises and privileges to said St. Louis, San Francisco and Texas Railway Company, and authorizing said St. Louis, San Francisco and Texas Railway Company, in connection with the purchase of said properties, or any of them, to assume the payment in whole or in part of any or all bonds secured by mortgage or mortgages upon the proper-

ties so purchased, and or to issue its stock and bonds in respect of the properties so purchased, and authorizing said St. Louis, San Francisco and Texas Railway Company to construct, own and operate as a part or parts of its line the unfinished portion or portions of said railroads, or any of them, between the terminals as defined in their respective charters, and to construct, own and operate as a part or parts of its line all extensions and branches of said railroads, or any of them, under or as authorized in and by the charter of said St. Louis, San Francisco and Texas Railway Company, or any amendment thereof, made or to be made in pursuance of the General Laws of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 256, A bill to be entitled "An Act relative to the State Penitentiary System and reorganizing and making provision for the better management, conduct and disposition of the same and its properties; declaring upon a policy of concentration and disposition of property undesirable for prison purposes; repealing Chapter 57, General Laws, First Called Session, Thirty-seventh Legislature, and reviving laws repealed thereby; making provisions for sale and disposition of prison property, real, personal or mixed; providing for the proper utilization or services of convicts and disposition of prison products; directing the sale of certain prison farms and retention of others; providing regulations for acquiring prison machinery, equipment and supplies; providing for concentration of the prison system in Brazoria and Fort Bend Counties; providing for converting the Eastham Farm into an institution for delinquent boys, and the main penitentiary plant at or near Huntsville into an insane asylum; regulating the working and handling of convicts; providing for the honor system in handling convicts or a portion of them; and declaring an emergency."

And beg to advise that in the judgment of the committee it is too late to consider a bill of such importance on account of the lateness of the session of the Legislature; but it is recommended that said bill be printed in the Journal and that 250 additional copies be printed so as to make possible sufficient copies to be distributed over the State for consideration by the public in advance of its consideration by the Legislature at some later date.

WITT, Chairman.

Committee Room,

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 21, Authorizing and approving the exchange of ownership by the Board of Prison Commissioners and the Hermann Hospital Estate of two certain tracts of land at the Blue Ridge State Farm situated in Fort Bend County, one consisting of five acres of land belonging to Hermann Hospital Estate on which the state barn and certain other improvements at the Blue Ridge Farm are situated and the other which, excepting the oil, gas and other minerals therein, consisting of six acres of land, belonging to the State of Texas.

Have had the same under consideration, and beg leave to report the resolution back to the Senate with the recommendation that it do pass and be printed in the Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 359, A bill to be entitled "An Act to amend Article 927, Title 22, Chapter 6, Revised Civil Statutes of 1911, so as to provide that the city council of any city or town shall have power to levy and collect an annual poll tax, not to exceed one dollar, of every inhabitant of said city over the age of twenty-one years (idiots and lunatics excepted), who is a resident thereof at the time of such annual assessment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate

with the recommendation that it do pass, be not printed, but be printed in the Journal.

RIDGEWAY, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 421, A bill to be entitled "An Act to provide additional compensation to official shorthand reporters of Texas in Judicial Districts composed of two or more counties, by allowing compensation for actual and necessary expenses when engaged in the discharge of their duties in counties other than the county of their residence; providing for the payment of such expenses by the several counties of the judicial districts upon sworn itemized accounts of such shorthand reporter; providing for recording such accounts in the minutes of such district court of the county in which such officer resides, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

Pollard, Stuart, Fairchild, Bowers, Davis Doyle, Wirtz.

Committee Room,
Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts to whom was referred

H. B. No. 564, A bill to be entitled "An Act amending Sections 6 and 6a of Chapter 8, being House Bill No. 45, passed at the First Called Session of the Thirty-seventh Legislature of the State of Texas, and entitled 'An Act to Amend Chapter 46, of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature, being an Act to reorganize the Twenty-eighth Judicial District of the State of Texas, etc.,' and providing for courts in the Twenty-eighth Judicial District of Texas, and validating and continuing all processes and writs, bonds, recognizances and jurors heretofore selected, etc., returnable to the terms of court as they now exist, and continuing in session any court in said district now in session until ad-

journed by the judge thereof, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 585, A bill to be entitled "An Act to amend Section 1, Chapter 6, of the Acts of the Regular Session of the Thirty-fourth Legislature so as to change the time and terms of holding the district court in the Seventy-eighth Judicial District of Texas, composed of Wichita County; to validate all process heretofore issued, bonds and recognizance heretofore taken in the courts of said district, and all judgments therein rendered or to be rendered; repealing all laws in conflict therewith, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 553, A bill to be entitled "An Act to amend Section 52 of Article 30, Title 5, of the Revised Statutes, changing the time of holding the terms of the District Court of the Fifty-second Judicial District of Texas, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 399, A bill to be entitled "An Act to amend Article 1585 of Chapter 2, Title 32 of the Revised Civil

Statutes of Texas of 1911, fixing the terms of courts of civil appeals."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room.

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 449, A bill to be entitled "An Act to amend on Act of the Thirty-first Legislature, First Called Session, Chapter 5, Special Laws, entitled 'An Act creating an independent school district to be known as the Goliad Independent School District, including within its limits the unincorporated town of Goliad, in Goliad County, and to provide for a board of trustees and other officers of such district, to authorize the board of trustees to levy, assess and collect special taxes and to issue and dispose of bonds of such district for the purpose of purchasing school sites, and erecting, repairing, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of the public schools therein, and to further prescribe the duties and authority of said board of trustees, and declaring an emergency,' and by this amended Act to provide for the assumption by the Goliad Independent School District as hereby created of all outstanding indebtedness now existing against same, and to provide for the payment of the outstanding indebtedness against Common School District No. 2, Goliad County, and declaring an emergency, said Act to be so amended as to hereafter read as follows:"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 423, A bill to be entitled "An Act amending Chapter 19, Local

and Special Laws of the First Called Session of the Thirty-seventh Legislature of the State of Texas, creating the Canton Independent School District in Van Zandt County, Texas; defining its boundaries, providing for an extension thereof, including the present Canton Independent School District; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges, and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing that the outstanding bonded indebtedness of each school district included within the bounds of said district shall remain chargeable against the territory which voted the same; providing that the district as herein created may assume such outstanding bonded indebtedness; providing for the repeal of all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 426, A bill to be entitled "An Act to amend Sections 1 and 5 of Chapter 6 of the Special Laws enacted by the Thirtieth Legislature, same being an Act creating the Baird Independent School District in Callahan County, Texas, as amended by Chapter 25 of the Thirty-first Legislature; redefining the boundaries of said district; validating all tax levies now in force; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report same back to the Senate with the recommendation that it do pass, and being a local bill, be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 247, A bill to be entitled "An Act to establish a State school of correspondence at Austin, Texas; to provide for all courses of study by correspondence that supply the needs of Texas people; to provide for the appointment of an executive board for same and prescribe their duties; to provide for the appointment of members of the faculty, prescribe their duties and provide for the salaries of members of said faculty, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 239, A bill to be entitled "An Act relating to and providing for vocational education, accepting and validating previous acceptances of the benefits of an Act passed by the Congress of the United States, approved on February 23, 1917, for the promotion of vocational education, designating the State Treasurer of the State of Texas as custodian for the reception and disbursement of all funds allotted to this State from appropriations made by the said Act of Congress; designating and authorizing the State Board of Vocational Education, to act in co-operation with the Federal Board of Vocational Education in the administration of the provisions of said Act; naming conditions under which aid may be extended by the State Board of Vocational Education, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being the same as Senate Bill No. 48, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 270, A bill to be entitled "An Act to provide for the making and preservation of reports and records of all intoxicating liquors and personal property used for the purpose of violating the intoxicating liquor laws, seized by officers; to provide for the custody and disposition of such liquors and property and to provide penalties and punishment for violations of its terms, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

TURNER, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 394, A bill to be entitled "An Act making an appropriation for printing to the State Department of Education to print the necessary blanks and bulletins pertaining to the scholastic year 1922-1923, and in order that bulletins, forms, and blanks for the public schools may be prepared as nearly as possible by the opening of the scholastic year 1923-1924, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

DUDLEY, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson President of
the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

S. B. No. 4, A bill to be entitled "An Act to create a more efficient prison system for the State of Texas, and amending Articles 6177, 6178, of the Revised Civil Statutes of the State of Texas, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under considera-

tion, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed in the Journal, with the following committee amendments:

Committee Amendment No. 1.

Strike out beginning with the word six and through the word day, and insert in lieu thereof the following:

Ten (\$10.00) dollars per day not to exceed one thousand (\$1000.00) dollars per year.

Committee Amendment No. 2.

Add a new section to be known as Section 2a, following Section 2, reading as follows:

The members of the present Prison Commission shall continue to hold their offices with the same authority and salary and condition of employment as heretofore until January 1st 1924.

WITT, Vice-Chairman.

Committee Room,

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 297, A bill to be entitled "An Act appropriating to the Permanent Public School Fund whatsoever land that may be recovered to the State finally in the case of the State of Texas against George Findlay and others in the Capital Syndicate Land Suit, and providing for the survey and sale of same with a reservation of minerals and making an appropriation for a survey of the land; and declaring an emergency."

Have had the same under consideration, and report same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

THOMAS, Chairman.

Committee Room,

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 239, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office of the State of Texas to issue an oil and gas lease to Mrs. Virgie D. Hardee, her heirs or assigns, for a term of five years, and subject to renewal for ten years if oil or gas should be found in paying quantities, upon the

seventy-six and one-half acres in San Jacinto Bay, Harris County, that was heretofore included in oil and gas permit No. 2168, issued by the Commissioner of the General Land Office to said Mrs. Hardee on August 2, 1917, and to H. M. Holden, his heirs or assigns, for a like term of five years upon the 703.86 acres in Nueces Bay, Nueces County, that was heretofore included in oil and gas permit No. 5242, issued by the Commissioner of the General Land Office to the said Holden on October 17, 1919, and to R. L. Garrett, his heirs or assigns, for a like term of five years upon the 991.48 acres in Nueces Bay, Nueces County, Texas, that was heretofore included in oil and gas permit No. 5246 issued by the Commissioner of the General Land Office to the said Garrett on October 17, 1919, conditioned that the respective owners of said leases shall pay to the General Land Office, in advance each of the five years, for the benefit of the available school fund, a sum of money equal to twenty-five cents per acre for the first year; fifty cents per acre for the second year; seventy-five cents per acre for the third year and one dollar per acre for the fourth and fifth years; provided, no further sum per acre shall be paid after oil and gas shall have been developed in paying quantities and a royalty begins to be paid and continues to be paid monthly, equal to one-eighth of the value of the gross production of oil and gas, providing for forfeiture and reinstatement, and declaring an emergency."

Have had same under consideration, and I am instructed to report same to the Senate with the recommendation that it do pass and be printed in the Journal.

THOMAS, Chairman

Committee Room,

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson President of the Senate.

Sir: We, your Committee on Public Lands and Office, to whom was referred

S. B. No. 320, A bill to be entitled "An Act providing for the compensation to the Texas Cherokee Indians and their associate bands for certain lands in East Texas ceded them by the Republic of Texas."

Have had same under consideration

and report same back to the Senate with the recommendation that it do not pass.

THOMAS, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.

Hon. T. W. Davidson President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 371, A bill to be entitled "An Act to amend Article 5904 of Chapter 1, Title 93, of the Revised Statutes of the State of Texas, so as to include all lands owned or acquired by the State, either by gift, grant, donation, or purchase."

Have had same under consideration and report same back to the Senate with the recommendation that it do pass and be printed in the Senate Journal.

THOMAS, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.

Hon. T. W. Davidson President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 71, A bill to be entitled "An Act to validate certain sales of certain public free school lands sold to purchasers by the State on September 22, 1905, January 8, 1906, and September 5, 1907, and declaring an emergency."

Have had same under consideration and report same back to the Senate with the recommendation that it do pass and be printed in the Senate Journal.

THOMAS, Chairman.

FORTIETH DAY.

Senate Chamber,
Austin, Texas,
Tuesday, March 6, 1923.

The Senate met at 9 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem R. M. Dudley.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Burkett.
Baugh.	Clark.
Bledsoe.	Cousins.
Bowers.	Darwin.

Davis.	Rice.
Doyle.	Ridgeway.
Dudley.	Strong.
Fairchild.	Stuart.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.
Pollard.	

Absent—Excused.

Rogers. Thomas.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

Excused.

Senator Thomas for today and tomorrow on account of important business on motion of Senator Bailey.

Bills and Resolutions.

By Senator Wood:

S. B. No. 427, A bill to be entitled "An Act continuing the work of the State Reclamation Engineer in connection with the defense and prosecution of suits affecting the boundaries of the State of Texas, authorizing the marking of such boundaries, making an emergency appropriation of ten thousand dollars (\$10,000.00) therefor, and declaring an emergency. Read first time and referred to Committee on Finance."

By Senator Clark:

S. B. No. 428, A bill to be entitled "An Act amending Chapter 64 of the General Laws of the Thirty-fourth Legislature, passed at its regular session, fixing the time for holding court in the Twenty-second Judicial District, and changing the time of holding the district courts in Austin, Hays and Caldwell Counties, and providing an extra term of court each year for the counties of Hays and Caldwell; to repeal all laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.